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09/954,937	09/18/2001	Kishiko Itoh	JP920000353US1	8224

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EXAMINER
NGUYEN, HAI V

ART UNIT	PAPER NUMBER
2142	

DATE MAILED: 12/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
	09/954,937	ITOH ET AL.
Office Action Summary	Examiner	Art Unit	
	Hai V. Nguyen	2142	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>03</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *13 November 2006 and 14 June 2006*.

2a)☒ This action is **FINAL**.　　2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-22* is/are pending in the application.

　　4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-22* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

　　Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

　　Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

　　a)☐ All　b)☐ Some * c)☐ None of:

　　　1.☐ Certified copies of the priority documents have been received.

　　　2.☐ Certified copies of the priority documents have been received in Application No. _____.

　　　3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

　　* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
　　Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
　　Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

1.   This Office Action is in response to the communication received on 13 November

2006 and 14 June 2006.

2.   Claims 1-22 are presented for examination.

Information Disclosure Statement

3.   The information disclosure statement filed 13 August 2004 and 13 November

2006 fail to comply with 37 CFR 1.98(a)(3) because it does not include a concise

explanation of the relevance, as it is presently understood by the individual designated

in 37 CFR 1.56(c) most knowledgeable about the content of the information, of each

patent listed that is not in the English language. It has been placed in the application

file, but the information referred to therein has not been considered. There are no

records on documents #: JP 11-015573 and JP 05-127785 included a concise

explanation of the relevance in English language.

Claim Rejections - 35 USC § 102

4.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102(b)

that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public
> use or on sale in this country, more than one year prior to the date of application for patent in the United
> States.

5.   Claims 1-22 are rejected under 35 U.S.C. 102(b) as being anticipated by **Lipe** et

al. U.S. patent # **5,748,980.**

6.   As to claim 1, Lipe teaches substantially the invention as claimed, including a

communication adapter selection method for selecting a given communication adapter

(network device or network adapter) in a system environment in which a plurality of communication adapters are installed in a computer apparatus to communicate with an external entity *(network)*, comprising the steps of:

storing information for identifying among the plurality of communication adapters a communication adapter specified by a user as a communication adapter to be enabled to the exclusion of other of the plurality of communication adapters *(Abstract, col. 3, line 24 – col. 10, line 51; col. 40, line 25 – col. 42, line 63; col. 394, line 65 – col. 396, line 47; col. 401, line 5 – col. 403, line 43)*;

determining whether the plurality of communication adapters installed in said system are available or not *(Abstract, col. 3, line 24 – col. 10, line 51; col. 40, line 25 – col. 42, line 63; col. 394, line 65 – col. 396, line 47; col. 401, line 5 – col. 403, line 43)*; and,

enabling said communication adapter specified by the user if it is determined that said communication adapter specified by the user is available *(Abstract, col. 3, line 24 – col. 10, line 51; Figs. 4A-4C, col. 18, line 29 – col. 25, line 15; col. 40, line 25 – col. 42, line 63; col. 394, line 65 – col. 396, line 47; col. 401, line 5 – col. 403, line 43)*.

7.   As to claim 2, Lipe teaches disabling, among communication adapters determined to be available, communication adapters other than said enabled communication adapter *(Abstract, col. 3, line 24 – col. 10, line 51; col. 40, line 25 – col. 42, line 63; col. 394, line 65 – col. 396, line 47; col. 401, line 5 – col. 403, line 43)*.

8.   As to claim 3, Lipe teaches a communication adapter selection method for selecting a given communication adapter in a system environment in which a plurality of

communication adapters are installed in a computer apparatus to communicate with an

external entity, comprising the steps of:

receiving an input event for identifying among the plurality of communication

adapters installed in the computer apparatus a communication adapter specified by a

user as an adapter to be enabled to the exclusion of other of the plurality of

communication adapters *(Abstract, col. 3, line 24 – col. 10, line 51; col. 40, line 25 – col.*

42, line 63; col. 394, line 65 – col. 396, line 47; col. 401, line 5 – col. 403, line 43); and

in response to said input event, enabling said communication adapter specified

by the user and disabling each communication adapter that is enabled before said input

event is received *(Abstract, col. 3, line 24 – col. 10, line 51; col. 40, line 25 – col. 42, line*

63; col. 394, line 65 – col. 396, line 47; col. 401, line 5 – col. 403, line 43).

9.   As to claim 4, Lipe teaches a communication adapter selection method for

selecting a given communication adapter in a system environment in which a plurality of

communication adapters are installed in a computer apparatus, comprising the steps of:

storing a number of communication adapters required by a user *(Abstract, col. 3,*

line 24 – col. 10, line 51; col. 40, line 25 – col. 42, line 63; col. 394, line 65 – col. 396,

line 47; col. 401, line 5 – col. 403, line 43);

enabling among said plurality of communication adapters a given communication

adapter to the exclusion of other of the plurality of communication adapters based on

said stored number of the communication adapters *(Abstract, col. 3, line 24 – col. 10,*

line 51; Figs. 4A-4C, col. 18, line 29 – col. 25, line 15; col. 40, line 25 – col. 42, line 63;

col. 394, line 65 – col. 396, line 47; col. 401, line 5 – col. 403, line 43); and

disabling the other of the plurality of communication adapters *(Abstract, col. 3,*

line 24 – col. 10, line 51; Figs. 4A-4C, col. 18, line 29 – col. 25, line 15; col. 40, line 25 –

col. 42, line 63; col. 394, line 65 – col. 396, line 47; col. 401, line 5 – col. 403, line 43).

10.   As to claim 5, Lipe teaches, wherein the priorities assigned to set up

communication adapters are stored and the given communication adapter is enabled

based on said stored number of the communication adapters and stored priorities

(Abstract, col. 3, line 24 – col. 10, line 51; Figs. 4A-4C, col. 18, line 29 – col. 25, line

15;).

11.   As to claim 6, Lipe teaches a communication adapter selection method for

selecting a given communication adapter in a system environment in which a plurality of

communication adapters are installed in a computer apparatus to communicate with an

external entity, comprising the steps of:

pre-registering information about a communication adapter to be enabled in

response to a predetermined condition of an operating environment of said computer

apparatus *(Abstract, col. 3, line 24 – col. 10, line 51; col. 394, line 65 – col. 396, line 47;*

col. 401, line 5 – col. 403, line 43);

detecting event information generated by a change in the operating environment

of said computer apparatus *(Abstract, col. 3, line 24 – col. 10, line 51; col. 394, line 65 –*

col. 396, line 47; col. 401, line 5 – col. 403, line 43);

analyzing said event information to determine whether said event information

meets said predetermined condition of said operating environment or not *(Abstract, col.*

3, line 24 – col. 10, line 51; col. 394, line 65 – col. 396, line 47; col. 401, line 5 – col. 403, line 43); and

if said event information meets said predetermined condition of said operation environment, enabling a communication adapter to be enabled to the exclusion of other of the plurality of communication adapters in response to said predetermined condition of the operating environment (Abstract, col. 3, line 24 – col. 10, line 51; Figs. 4A-4C, col. 18, line 29 – col. 25, line 15; col. 40, line 25 – col. 42, line 63; col. 394, line 65 – col. 396, line 47; col. 401, line 5 – col. 403, line 43).

12.   As to claim 7, Lipe teaches a communication adapter selection method for enabling a given communication adapter in a system environment comprising communication adapters installed in a portable information device and a communication adapter installed in an expansion unit attachable to said portable information device, comprising the steps of:

reading priority information in which a priority assigned to each communication adapter is set from a profile (Abstract, col. 3, line 24 – col. 10, line 51);

determining whether all the communication adapters configured in said system environment are available or not (Abstract, col. 3, line 24 – col. 10, line 51); and,

if it is determined that the communication adapter installed in said expansion unit is available and said read priority information indicates that the priority assigned to said communication adapter installed in said expansion unit is higher than a priority of the communication adapters installed in said portable information device, enabling said communication adapter installed in said expansion unit to the exclusion of other of the

plurality of communication adapters *(Abstract, col. 3, line 24 – col. 10, line 51; Figs. 4A-4C, col. 18, line 29 – col. 25, line 15; col. 40, line 25 – col. 42, line 63)*.

13.   As to claim 8, Lipe teaches, wherein said communication adapters installed in said portable information device are disabled if said communication adapter installed in said expansion unit is enabled *(Abstract, col. 3, line 24 – col. 10, line 51)*.

14.   As to claim 9, Lipe teaches, wherein at least one of the communication adapters installed in said portable information device is a wireless LAN adapter *(Abstract, col. 3, line 24 – col. 10, line 51)*; and

the priority of said wireless LAN adapter set in said read priority information is immediately below the priority of the communication adapter installed in said expansion unit *(Abstract, col. 3, line 24 – col. 10, line 51)*.

15.   As to claim 10, Lipe teaches a method for setting up a communication adapter comprising the steps of:

reading information about the configuration of a communication adapter configured in a system from a profile *(a hardware profile) (Abstract, col. 3, line 24 – col. 10, line 51)*;

setting at least one location where the system performs communication *(Abstract, col. 3, line 24 – col. 10, line 51)*;

setting a default priority assigned to a communication adapter to be enabled; setting the number of communication adapters to be enabled to the exclusion of other of the plurality of communication adapters *(Abstract, col. 3, line 24 – col. 10, line 51; Figs. 4A-4C, col. 18, line 29 – col. 25, line 15; col. 40, line 25 – col. 42, line 63)*; and

storing in a profile said default priority and said number of the communication

adapters to be enabled for each of said at least one set locations *(Abstract, col. 3, line*

24 – col. 10, line 51).

16.   As to claim 11, Lipe teaches a computer apparatus for selecting a given

communication adapter in a system environment in which a plurality of communication

adapters are installed to communicate with an external entity, said computer apparatus

comprising:

information storage for storing information identifying among the plurality of

communication adapters a communication adapter specified by a user as a

communication adapter to be enabled *(Abstract, col. 3, line 24 – col. 10, line 51; Figs.*

4A-4C, col. 18, line 29 – col. 25, line 15;);

a determination unit for determining whether the plurality of communication

adapters installed in said system are available *(Abstract, col. 3, line 24 – col. 10, line*

51); and

a setting unit for enabling, among communication adapters determined to be

available by said determination unit, said communication adapter specified by the user

as the communication adapter to be enabled to the exclusion of other of the plurality of

communication adapters *(Abstract, col. 3, line 24 – col. 10, line 51; Figs. 4A-4C, col. 18,*

line 29 – col. 25, line 15; col. 40, line 25 – col. 42, line 63).

17.   As to claim 12, Lipe teaches, wherein said setting unit disables communication

adapters other than said communication adapter specified by the user *(Abstract, col. 3,*

line 24 – col. 10, line 51).

18.   As to claim 13, Lipe teaches adapter count storage for storing a number of

communication adapters to be enabled, wherein said setting unit enables as many

communication adapters as said number of the adapters stored in said adapter count

storage, in descending order of priority *(Abstract, col. 3, line 24 – col. 10, line 51; Figs.*

4A-4C, col. 18, line 29 – col. 25, line 15).

19.   As to claim 14, Lipe teaches a computer apparatus for selecting a given

communication adapter in a system environment in which a plurality of communication

adapters are installed to communicate with an external entity, said computer apparatus

comprising:

        an input event receiving unit for receiving an input event for identifying among the

plurality of communication adapters installed in the system a communication adapter

specified by a user as an adapter to be enabled *(Abstract, col. 3, line 24 – col. 10, line*

51); and

        a setting means for, in response to said input event received by said input event

receiving unit, enabling said communication adapter specified by the user to the

exclusion of other of the plurality of communication adapters and disabling a

communication adapter that is enabled before said input event is received *(Abstract,*

col. 3, line 24 – col. 10, line 51; Figs. 4A-4C, col. 18, line 29 – col. 25, line 15; col. 40,

line 25 – col. 42, line 63).

20.   As to claim 15, Lipe teaches a computer apparatus in which a plurality of

communication adapters are installed, said computer apparatus communicating with an

external entity through said plurality of communication adapters and comprising:

a utility *(configuration manager 158)* for controlling the enable/disable of said

communication adapters *(Abstract, Figs. 4-14; col. 3, line 24 – col. 10, line 51; col. 37,*

line 3- col. 42, line 63); and

a driver for exchanging data between said utility and said communication

adapters *(Abstract, Figs. 4-14; col. 3, line 24 – col. 10, line 51; col. 37, line 3- col. 42,*

line 63);

wherein said utility provides a suspend event to said driver if a communication

adapter to be enabled to the exclusion of other of the plurality of communication

adapters is not enabled previously or provides a resume event to said driver if the

communication adapter to be enabled is enabled and requested to be disabled

(Abstract, Figs. 4-14; col. 3, line 24 – col. 10, line 51; col. 37, line 3 - col. 42, line 63).

21.   As to claim 16, Lipe teaches, wherein said utility inquires of said driver to obtain a

number and a type of existing communication adapters *(Abstract, Figs. 4-14; col. 3, line*

24 – col. 10, line 51; col. 37, line 3- col. 42, line 63).

22.   As to claim 17, Lipe teaches a portable information device in which a plurality of

communication adapters are installed and which can be connected with a expansion

unit in which a given communication adapter is installed, said portable information

terminal comprising:

storage for storing priority information indicating an order in which the

communication adapters are enabled *(Abstract, Figs. 4-14; col. 3, line 24 – col. 10, line*

51; col. 37, line 3- col. 42, line 63);

a connection recognition unit recognizing a connection of said expansion unit *(Abstract, Figs. 4-14; col. 3, line 24 – col. 10, line 51; col. 37, line 3- col. 42, line 63)*;

an open-operation execution unit for executing an adapter open operation on all the communication adapters including said given communication adapter installed in said expansion unit when said connection recognition unit recognizes the connection *(Abstract, Figs. 4-14; col. 3, line 24 – col. 10, line 51; col. 37, line 3- col. 42, line 63)*; and

a setting unit for enabling the given communication adapter among communication adapters successfully opened by said open-operation execution unit to the exclusion of other of the plurality of communication adapters according to said priority information stored in said storage *(Abstract, Figs. 4-14; col. 3, line 24 – col. 10, line 51; Figs. 4A-4C, col. 18, line 29 – col. 25, line 15; col. 37, line 3 - col. 42, line 63)*.

23.   As to claim 18, Lipe teaches, wherein said priority information stored in said storage varies from location to location where said portable information device is used *(Abstract, Figs. 4-14; col. 3, line 24 – col. 10, line 51; col. 37, line 3- col. 42, line 63)*.

24.   As to claim 19, Lipe teaches a portable information device in which a plurality of communication adapters are installed and which can be connected with a expansion unit in which a given communication adapter is installed, said portable information device comprising:

a connection recognition unit recognizing the connection of said expansion unit *(Abstract, Figs. 4-14; col. 3, line 24 – col. 10, line 51; col. 37, line 3- col. 42, line 63)*; and

a priority connection unit for connecting said given communication adapter

installed in said expansion unit to the exclusion of other communication adapters if said

connection recognition unit recognizes the connection of said expansion unit *(Abstract,*

Figs. 4-14; col. 3, line 24 – col. 10, line 51; Figs. 4A-4C, col. 18, line 29 – col. 25, line

15; col. 37, line 3- col. 42, line 63).

25.   As to claim 20, Lipe teaches a disabling unit for, when said priority connection

unit connects said communication adapter installed in said expansion unit to the

exclusion of other communication adapters, disabling said other communication

adapters installed in said portable information device *(Abstract, Figs. 4-14; col. 3, line*

24 – col. 10, line 51; Figs. 4A-4C, col. 18, line 29 – col. 25, line 15; col. 37, line 3 - col.

42, line 63).

26.   As to claim 21, Lipe teaches a storage medium storing a program to be executed

by a computer so that said computer can read the program, wherein said program

causes said computer to perform the processes for:

storing information identifying among a plurality of communication adapters

installed in said computer a communication adapter specified by a user as an adapter to

be enabled *(Abstract, Figs. 4-14; col. 3, line 24 – col. 10, line 51; col. 37, line 3- col. 42,*

line 63; col. 43, line 20 – col. 48, line 29; col. 379, line 60 - col. 394, line 38; col. 394,

line 65 – col. 396, line 47; col. 401, line 5 – col. 403, line 43);

determining whether said plurality of communication adapters installed in said

computer is available *(Abstract, Figs. 4-14; col. 3, line 24 – col. 10, line 51; col. 37, line*

3- col. 42, line 63; col. 43, line 20 – col. 48, line 29; col. 394, line 65 – col. 396, line 47; col. 401, line 5 – col. 403, line 43); and

enabling said communication adapter specified by the user to the exclusion of other of the plurality of communication adapters if said communication adapter specified by the user is available *(Abstract, Figs. 4-14; col. 3, line 24 – col. 10, line 51; col. 37, line 3 - col. 42, line 63; col. 43, line 20 – col. 48, line 29; col. 394, line 65 – col. 396, line 47; col. 401, line 5 – col. 403, line 43).*

27.   As to claim 22, Lipe teaches a storage medium storing a program to be executed by a computer so that said computer can read the program, said program causes said computer to perform the processes for:

receiving an input event for identifying among the plurality of communication adapters installed in the system a communication adapter specified by a user as an adapter to be enabled *(Abstract, col. 3, line 24 – col. 10, line 51; col. 394, line 65 – col. 396, line 47; col. 401, line 5 – col. 403, line 43);* and

in response to said input event, enabling said communication adapter specified by the user to the exclusion of other of the plurality of communication adapters and disabling a communication adapter that is enabled before said input event is received *(Abstract, col. 3, line 24 – col. 10, line 51; Figs. 4A-4C, col. 18, line 29 – col. 25, line 15; col. 40, line 25 – col. 42, line 63; col. 394, line 65 – col. 396, line 47; col. 401, line 5 – col. 403, line 43).*

Response to Arguments

28.   Applicant's arguments received on 13 November and 14 June 2006 have been

fully considered but they are not persuasive.

29.   In the remark, Applicant argued in substance that:

Point (A), the prior art does not teach *"enabling a communication adapter to the*

exclusion of other communication adapters that are disabled" in independent claims 1,

3, 4, 6, 7, 10, 11, 14, 15, 17, 19, 21, and 22.

As to point (A), "enabling a communication adapter to the exclusion of other

communication adapters" = "only a communication adapter, adapter 20-1, is enabled

and the other adapters, adapters 20-2 to 20-4, are disabled" (Applicant's specification,

page 17, lines 14-16) = *"Figs. 4A-4C, steps 54, 56, 58; In step 54, an inquiry is*

conducted to identify the subset of the devices 20 that must be active upon completion

of the boot process. For the devices 20 that do not require a default-type configuration

during the power-up sequence, the "NO" branch is followed to the step 56 and those

devices preferably remain inactive during the power-up sequences. In contrast, the

"YES" branch is followed from the step 54 to the step 58 for the devices 20 that must be

activated during the boot process. Based upon this inventory of the identified devices 20

requiring activation during the boot process, a boot-level device driver for each of those

devices is obtained in step 58 to enable communications between the boot-level

devices and the computer 8. These boot-level devices typically include the system-level

devices 20 on the system board of the computer 8 and certain adapter boards

connected to the integrated bus 15, such as a display controller or a mass memory

storage device controller, i.e., a fixed disk controller." (Lipe, col. 20, lines 24-54).

30.   Further references of interest are cited on Form PTO-892, which is an

attachment to this action.

<p align="center">***Conclusion***</p>

31.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Hai V. Nguyen whose telephone number is 571-272-

3901. The examiner can normally be reached on 6:00-3:30 Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Andrew Caldwell can be reached on 571-272-3868. The fax phone number

for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

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For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Hai V. Nguyen
Examiner
Art Unit 2142

THONG VU
PRIMARY EXAMINER
TECHNOLOGY CENTER 2100